Planning Commission
Staff Report
November 2, 2017

Case No:	**17ZONE1019**
Request:	**R-4 to C-M**
Project Name:	**Orell Warehouse**
Location:	**6605 West Orell Rd**
Owner:	**CAT PB, LLC**
Applicant:	**CAT PB, LLC**
Representative:	**Cliff Ashburner, Dinsmore & Shohl, LLP**
Jurisdiction:	**Louisville Metro**
Council District:	**14 – Cindi Fowler**
Case Manager:	**Laura L. Mattingly, AICP, Planner II**

REQUEST

- **Change in Zoning** from R-4, Single Family Residential to C-M, Commercial/Manufacturing on 12.9 acres
- **Change in Form District** from Neighborhood to Suburban Marketplace Corridor
- **Waiver of Section 5.7.1.B.3.b** to not provide primary façade design standards for façade facing a residential zone
- **Variance from 5.3.2.C.2.a** to allow primary structure to exceed maximum setback
- **Variance from 5.3.2.C.2.b** to allow truck parking within the 50' residential to non-residential loading setback.
- **Detailed District Development Plan** with proposed binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing a 160,500 square foot warehouse just west of Dixie Highway, approximately 1.5 miles south of I-265. This proposal requires a change in zoning from R-4, Single Family, to C-M, Commercial Manufacturing and is a non-residential expansion into a residential area. As the proposal is greater than 80,000 square feet, it is required to change the form district from Neighborhood to Suburban Marketplace Corridor. The site is currently vacant and will be accessed from West Orell Road. The applicant has also proposed a private access easement from Dixie Hwy to alleviate heavy truck traffic along W Orell Road. The proposal does not include the required non-residential to residential loading setbacks and does not meet the maximum setback requirement, requiring variance requests for relief from these regulations.

Previous Case:

18696: Minor plat to shift lot lines. Approved May 6, 2013.

STAFF FINDING

Staff finds that the proposal is not necessarily compatible with the existing uses in the area due to the predominantly commercial nature of the Dixie Highway corridor. Conversely, the Dixie Highway corridor has been in decline for some time, with a high concentration of vacant or distressed businesses lining the corridor south of the Gene Snyder. These existing economic conditions of the area suggest that future development will not be commercial in nature. Projected demographic trends from Cornerstone 2020 suggest a 20.1% population growth in this market area (Jefferson Forest) by 2040, calling for a need in increased employment

opportunities. This proposal, while not necessarily compatible with current surrounding development, creates a use for a vacant property that is in line with the future development trends of the area. Additionally, the proposed zoning of C-M allows for C-2 commercial uses as well as M-1 industrial uses, which offers a larger variety of uses in the case that this proposal does not come to fruition.

TECHNICAL REVIEW

- Transportation and MSD have given preliminary approvals.
- A representative from Cindi Fowler's office spoke at the October 12, 2017 LD&T meeting and requested a binding element requiring Metro Council to approve any other proposed use other than a warehouse on the property in question. A binding element regarding hours of operation was also proposed. The applicant has not agreed to these binding elements.
- Staff received a letter from the site's realtor, Mr. Phil Charmoli, on October 24, 2017 describing the potential use of the warehouse, fly ash storage. Staff determined that this use, listed as "coal or coke" storage in the Land Development Code is only permitted in M-2. The applicant needs to address this issue at the public hearing.

INTERESTED PARTY COMMENTS

Staff has received comments from Mr. Harold Dunn and Mr. Rob Sanders, both adjoining property owners, who have concerns over the possible negative impacts from truck traffic, site lighting and noise.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.
Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of

land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

This proposal is a high-intensity use located just off a major roadway with good vehicular connectivity as well as transit access. The proposal includes sidewalks, bicycle facilities and pedestrian walkways throughout the development. The nearest transit stop is at Dixie and W Orell. While this is a non-residential expansion into a residential area, this proposal is well buffered from the single family residences to the south and is providing access directly to Dixie Highway with a private access easement in order to alleviate truck traffic from the lower street class. The proposal is utilizing a long vacant site and has provided site design that increases its compatibility by setting the warehouse back from W Orell, facing loading docks in the rear of the property and agreeing to provide additional landscaping to further screen the proposed building from single-family residences and the right-of-way.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.7.1.B.3.b to not provide primary façade design standards for façade facing a residential zone

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the façade facing the residential zone is facing a Metro-owned lot in the floodplain that is not likely to ever be developed for residential use.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. This waiver will not violate these guidelines, as all landscape buffers are provided in order to protect adjoining properties from visual intrusions.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the façade that does not meet the standards is facing adjoining property that will least be affected since it is not likely to ever be developed.

(d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); **OR**
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as providing the design standards for front facing facades on the west side of the building would render it impossible to provide the needed amount of loading docks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from 5.3.2.C.2.a to allow primary structure to exceed maximum setback

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare as the proposed setback actually impacts the single family homes to the south much less than if the required setback was proposed.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposed setback actually aides with the character by locating the more intense use farther from the single family residences to the south.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the building setback is preferred in order to allow more space between the warehouse and single family homes.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the setback is appropriate with the shape and orientation of the lot.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the additional setback is being requested due to the irregular shape of the lot.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the required setback would not allow the needed size of the building due to the width of the lot within the setback range.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from 5.3.2.C.2.b to allow truck parking within the 50' residential to non-residential loading setback.

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare as the areas where the vehicle maneuvering area encroaches into the setback are adjacent to the lot owned by Louisville Metro that is in the floodplain, heavily wooded and not likely to be developed in the future for residential use.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the encroachments are adjacent to a large vacant parcel and will not be visible from any public area.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as no part of the encroachments will impact public right-of-way or any public space.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the loading area is located on the west side of the site, where it will have the least impact on the public and adjoining properties.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the adjacent property, while zoned for single family residential, is not likely to ever be developed.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the applicant would not be able to provide the needed amount of truck parking for the use.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There does not appear to be any significant natural or historical resources on site and this proposal does not appear to affect any scenic views.

b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal has provided the required amenity area for the office portion of the use.

d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Additionally, the applicant has agreed to increase the landscaping adjacent to the homes to the south and the roadway. Setbacks, while not code compliance, appear to be reasonable and compatible with surrounding uses.

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND APPROVAL or DENIAL** to Metro Council for a Change in Zoning from R-4, Single Family Residential to C-M, Commercial/Manufacturing on 12.9 acres
- **RECOMMEND APPROVAL or DENIAL** to Metro Council for a Change in Form District from Neighborhood to Suburban Marketplace Corridor
- **APPROVE or DENY** the Waiver of Section 5.7.1.B.3.b to not provide primary façade design standards for façade facing a residential zone
- **APPROVE or DENY** the Variance from 5.3.2.C.2.a to allow primary structure to exceed maximum setback
- **APPROVE or DENY** the Variance from 5.3.2.C.2.b to allow truck parking within the 50' residential to non-residential loading setback.
- **APPROVE or DENY** the Detailed District Development Plan with proposed binding elements

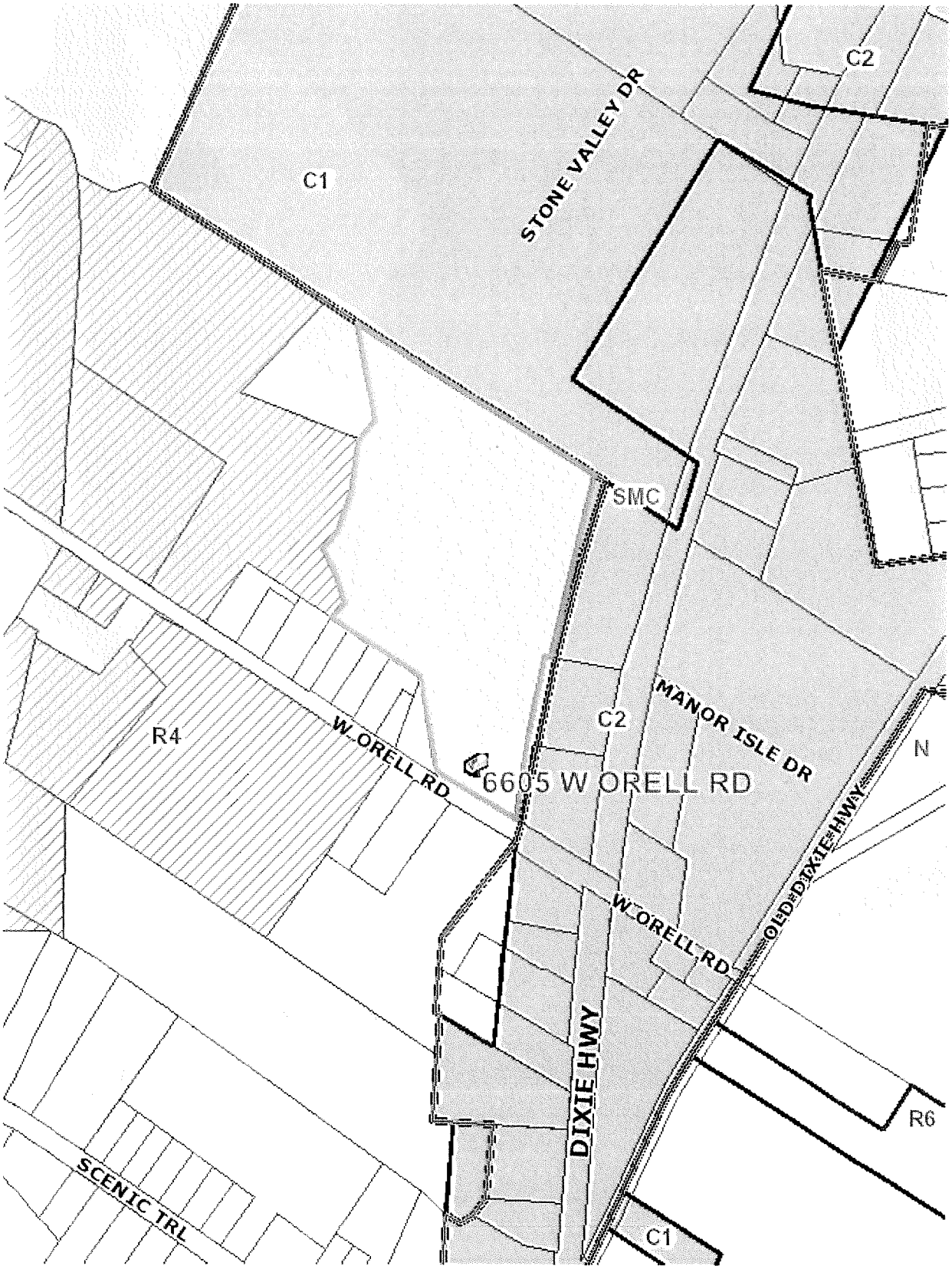
NOTIFICATION

Date	Purpose of Notice	Recipients
9/22/17	Hearing before LD&T	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 14 Notification of Development Proposals
10/16/17	Hearing before PC / BOZA	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 14 Notification of Development Proposals
10/18/17	Hearing before PC / BOZA	Sign Posting on property
10/26/17	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Proposed Binding Elements

1. Zoning Map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C1
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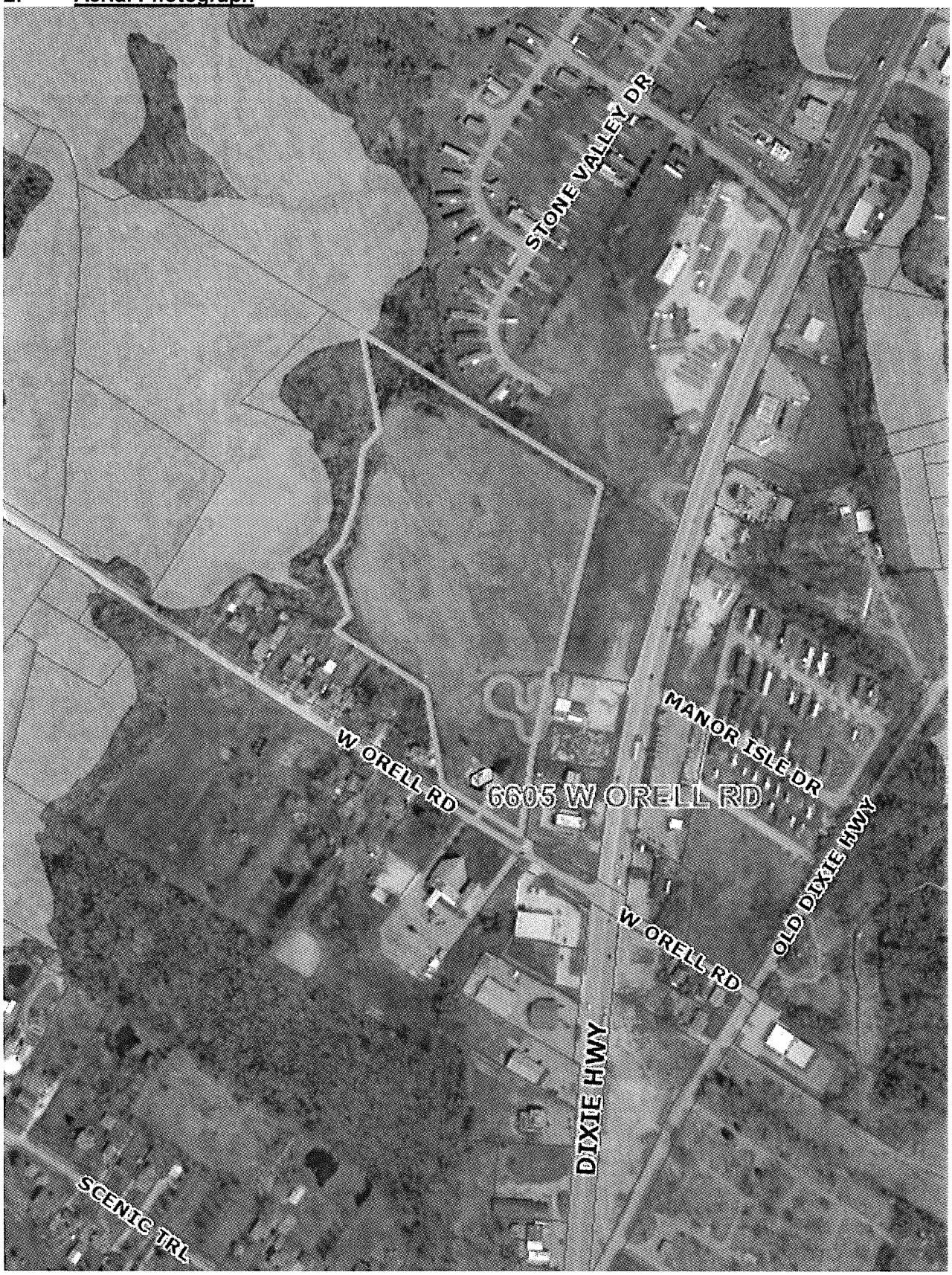
2. **Aerial Photograph**



3. **Cornerstone 2020 Staff Checklist**

+ Exceeds Guideline
✓ Meets Guideline
- Does Not Meet Guideline
+/- More Information Needed
NA Not Applicable

Suburban Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	-	The proposal is not consistent with the existing pattern of uses in this area due to the lack of industrial uses within this corridor.
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	The proposal does include public sidewalks and pedestrian connections.
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	The proposal includes improved access and landscaping along Dixie Hwy.
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	While the use is not compatible with those along the corridor as it is not commercial in nature, the site design and buffering from adjacent uses increases its compatibility.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	✓	The proposal is requesting an expansion of the Suburban Marketplace Corridor, but this expansion is justified due to the site design and buffering that decreases the chances of the disruption of the established residential area to the south. Additionally, the proposal includes a private access easement that connects the site directly to Dixie Hwy and relieves the more residential roadway of truck traffic.
6	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal is not located within a new center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not a retail development.
8	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	This site is currently vacant and underutilized and the proposed site design displays an efficient use of the site.
9	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	The proposal is not a new center.
10	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The proposal is not a new center and therefore not subject to this element.
11	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development in a new center.
12	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal does not constitute a shared entrance or vehicular connection to the properties to the north, south or west and the private access easement to the east establishes a shared connection with the adjoining commercial properties.
13	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities will be shared where possible and all compatible utilities will be place in a common trench.
14	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal has included all required sidewalks and is near a major transit line.
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Building design will comply with LDC standards, with the exception of the requested waiver.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	This proposal is a non-residential expansion into a residential area, but has made efforts such as access from Dixie Hwy and additional buffering adjacent to the single family residences to the south that appropriately mitigates this expansion.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	There has been a binding element added to prohibit idling of trucks.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The private access easement onto Dixie Hwy will alleviate much of the truck traffic from W Orell Road.
19	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Any site lighting will be directed downward and away from nearby residential uses.
20	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	Dixie Hwy is a major arterial with nearby access to a freeway.
21	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	All required landscape buffers are provided and the applicant has offered additional landscaping adjacent to the single family residences.
22	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	All required landscape buffers are provided and the applicant has offered additional landscaping adjacent to the single family residences.
23	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	While not code compliant, the front setback is appropriate considering the adjacent uses and lot constraints.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	The loading setback adjacent to the R-4 zone to the west is appropriate and all required buffers are provided.
25	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Vehicle Use Area buffers are provided adjacent to W. Orell Road.
26	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	There is not proposed parking garage.
27	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Any signage will be in compliance with the Land Development Code Chapter 8.
28	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The required amenity area is provided.
29	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	The required amenity area is provided.
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features onsite and the applicant is adding landscaping where it is required.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposal does not include any major changes to the natural features of the site and more trees are being planted than what currently exist on site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	This site has not been recognized as historic.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	LOJIC has not identified any potential wetlands or hydric soils on site.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located downtown.
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	-	This proposal is industrial and not located adjacent to any other industrial uses.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	This proposal is not retail commercial and does not anticipate large amounts of traffic.
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	This proposal is located on a major arterial.
38	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal includes improvements to the W Orell Road right-of-way.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	This proposal includes sidewalks, pedestrian connections and is located near a transit line.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	This use does not constitute connections to adjacent properties to the north, south or west and a note has been placed on the plan that, if the commercial properties to the east are ever re-developed, connections will be made.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The applicant is dedicating the required right-of-way along Dixie Hwy.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is provided and within the required range.
43	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	This use does not constitute connections to adjacent properties to the north, south or west and a note has been placed on the plan that, if the commercial properties to the east are ever re-developed, connections will be made.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	This proposal is located on an existing roadway network and is not creating any new roadways.
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access is being achieved from the abutting public right of way and a private acces easement to Dixie Hwy.
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	This proposal is located on an existing roadway network that is sufficient.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	This proposal includes all required pedestrian and bicycle facilities.
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has approved the proposal.
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD did not have any issues with the proposal.
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	This area is highly developed and there are no existing natural corridors.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	This area is fully developed and has adequate existing infrastructure for the proposal.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	There is existing infrastructure in place for potable water and a fire hydrant located at the corner of Dixie and W Orell.
53	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	MSD has approved the proposal.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

   a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
   b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
   c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.

~~7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 2, 2017 Planning Commission meeting.~~

~~The app. shall have final building design, access [redacted] approval by [redacted] prior to construction plan approval.~~

7. The applicant shall have final building design, use, & access to O. Orell Rd v approval by PC prior to construction plan approval, specifically including truck access

Alt. 7: The applicant shall have a detailed district dev. plan approved by PC prior to construction plan approval.

Land Development & Transportation Committee
Staff Report
October 12, 2017

Case No:	**17ZONE1019**
Request:	**R-4 to C-M**
Project Name:	**Orell Warehouse**
Location:	**6605 West Orell Rd**
Owner:	**CAT PB, LLC**
Applicant:	**CAT PB, LLC**
Representative:	**Cliff Ashburner, Dinsmore & Shohl, LLP**
Jurisdiction:	**Louisville Metro**
Council District:	**14 – Cindi Fowler**
Case Manager:	**Laura L. Mattingly, AICP, Planner II**

REQUEST

- Change in zoning from R-4, Single Family Residential to C-M, Commercial/Manufacturing on 12.9 acres
- Change in form district from Neighborhood to Suburban Marketplace Corridor
- Waiver of Section 5.7.1.B.3.b to not provide façade facing adjoining residential that meets standards for primary facade design found in the suburban form non-residential building design standards
- Variance from 5.3.2.C.2.a to allow primary structure to exceed maximum setback
- Variance from 5.3.2.C.2.b to allow truck parking within the 50' residential to non-residential loading setback.
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The applicant is proposing a 160,500 square foot warehouse just west of Dixie Highway, approximately 1.5 miles south of I-265. This proposal requires a change in zoning from R-4, Single Family, to C-M, Commercial Manufacturing and is a non-residential expansion into a residential area. As the proposal is greater than 80,000 square feet, it is required to change the form district from Neighborhood to Suburban Marketplace Corridor. The site is currently vacant and will be accessed from West Orell Road. The applicant has also proposed a private access easement from Dixie Hwy to alleviate heavy truck traffic along W Orell. The proposal does not include the required non-residential to residential loading setbacks and does not meet the maximum setback requirement, requiring variance requests for relief from these regulations.

Previous Case:

18696: Minor plat to shift lot lines. Approved May 6, 2013.

STAFF FINDING

Staff finds that the proposal is ready to be docketed for the next available Public Hearing.

TECHNICAL REVIEW

- Transportation and MSD have given preliminary approvals.

INTERESTED PARTY COMMENTS

Staff has received comments from Mr. Harold Dunn, an adjoining property owner, who has concerns over the possible negative impacts from truck traffic, site lighting and noise.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.
Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

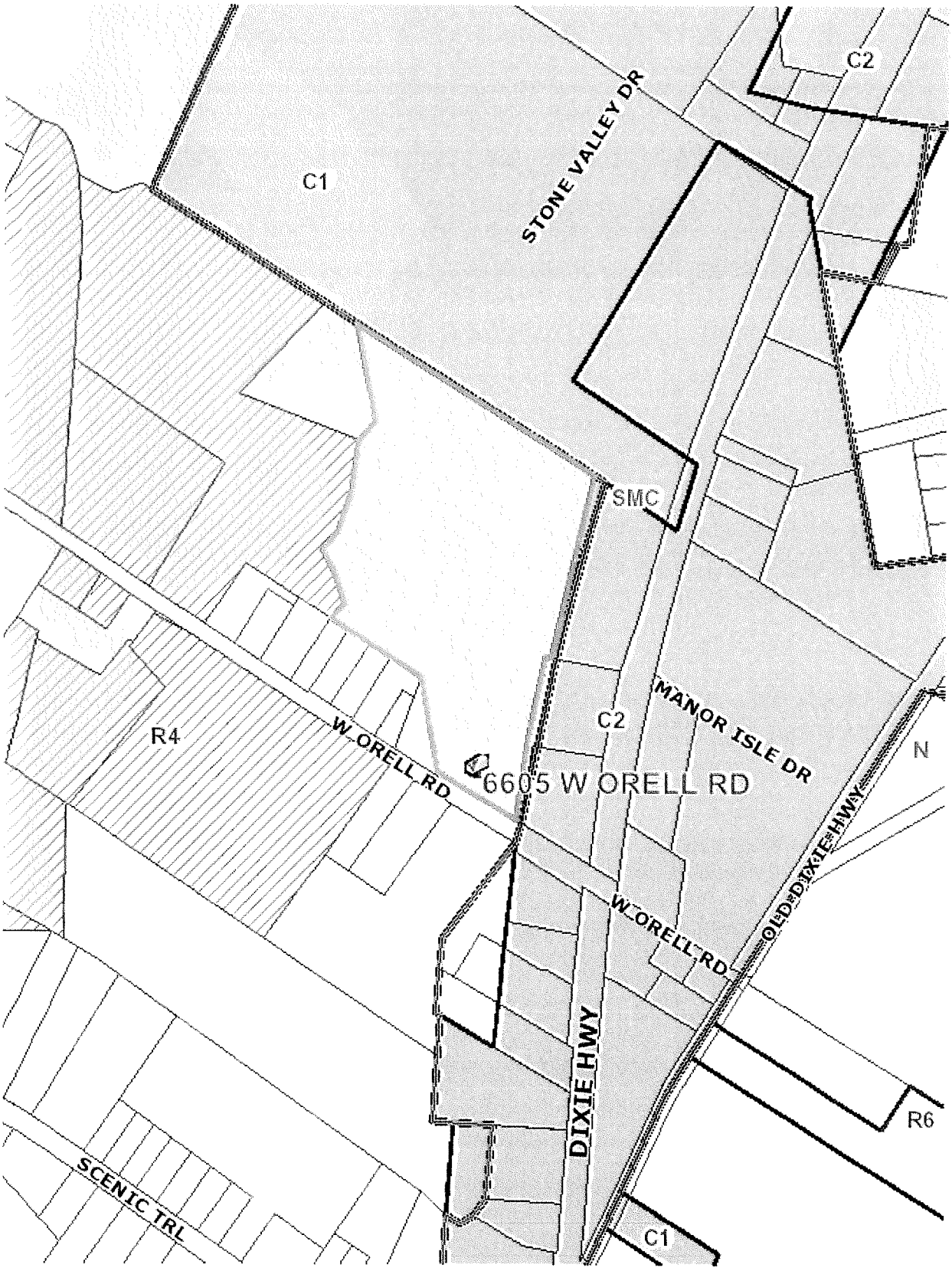
NOTIFICATION

Date	Purpose of Notice	Recipients
9/22/17	Hearing before LD&T	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC / BOZA	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

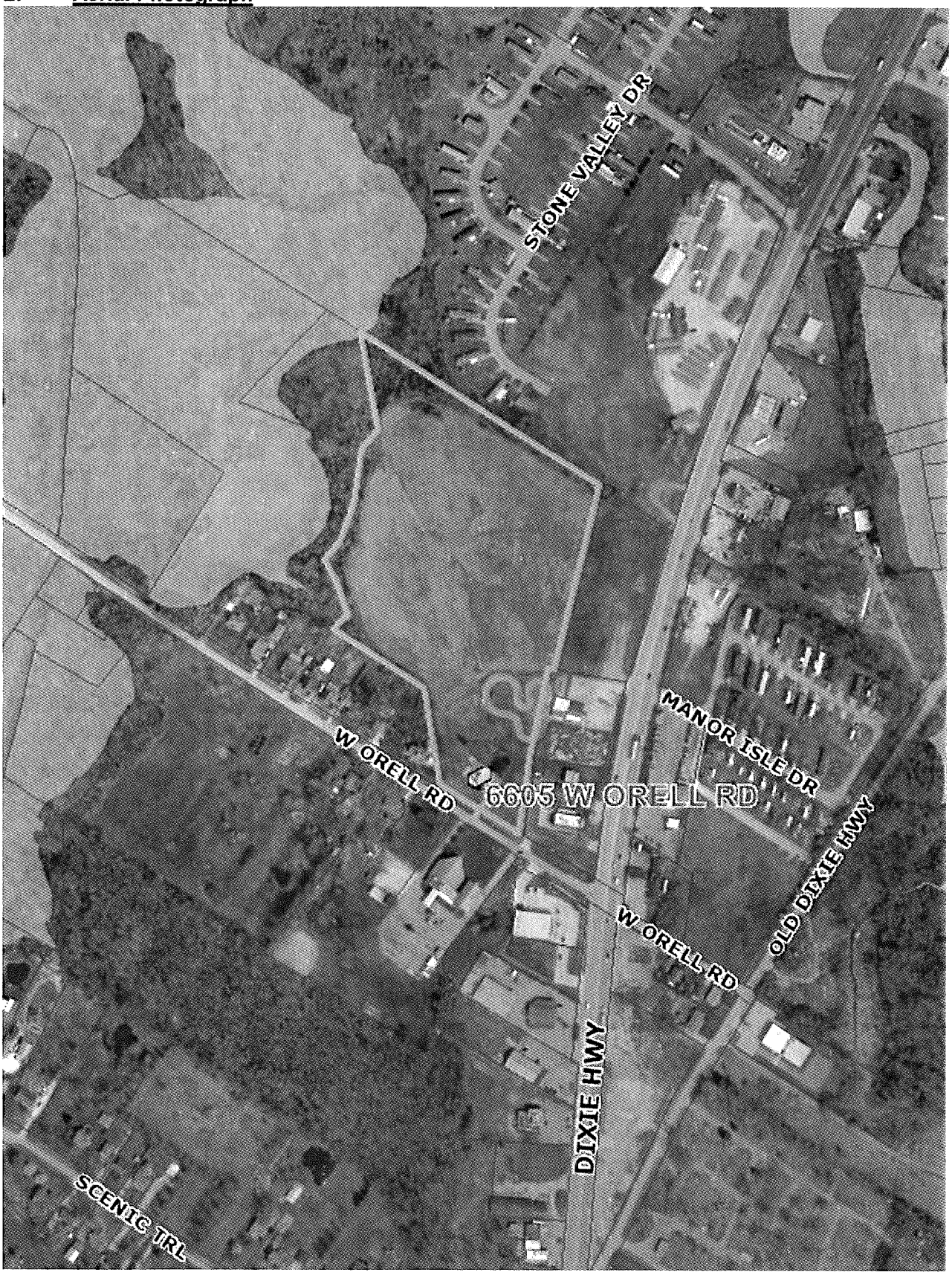
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. **Zoning Map**


C1
STONE VALLEY DR
C2
SMC
C2
MANOR ISLE DR
R4
W ORELL RD
6605 W ORELL RD
N
W ORELL RD
OLD DIXIE HWY
DIXIE HWY
R6
SCENIC TRL
C1

2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

   a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
   b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
   c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
   d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.

Pre-Application
Staff Report
July 14, 2017

Case No:	**17ZONE1019**
Request:	**R-4 to M-1**
Project Name:	**Orell Warehouse**
Location:	**6605 West Orell Rd**
Owner:	**CAT PB, LLC**
Applicant:	**CAT PB, LLC**
Representative:	**Land Design & Development**
Jurisdiction:	**Louisville Metro**
Council District:	**14 – Cindi Fowler**
Case Manager:	**Laura L. Mattingly, Planner II**

REQUEST

- Change in zoning from R-4 to M-1
- Variance from 5.3.1 to allow building to exceed maximum setback
- Variance from 5.3.1 to allow truck parking within the 75' residential to non-residential loading setback.
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 160,500 square foot warehouse just west of Dixie Highway in the Pleasure Ridge Park neighborhood. This proposal requires a change in zoning from R-4, Single Family, to M-1, Industrial and is a non-residential expansion into a residential area. The proposal does not include the required non-residential to residential setbacks and does not meet the maximum setback requirement, requiring variance requests for relief from these regulations.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	N
Proposed	Warehouse	M-1	N
Surrounding Properties			
North	Mobile Home Park	C-1	SMC/N
South	Religious Facility	R-4	N
East	Commercial	C-2	SMC
West	Vacant	R-4	N

PREVIOUS CASES ON SITE

18696: Minor plat to shift lot lines. Approved May 6, 2013.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

All agency comments should be addressed to demonstrate compliance with the Guidelines and Policies of Cornerstone 2020. Any additional material needed to satisfy these guidelines shall also be submitted for review.

TECHNICAL REVIEW

- See agency comments for development plan review comments.

STAFF CONCLUSIONS

The proposal needs to address staff concerns over the compatibility of the development in this non-industrial area, mitigation for abutting incompatible uses, traffic concerns and pedestrian access, as well as address all other agency comments. The applicant is next required to schedule a neighborhood meeting.

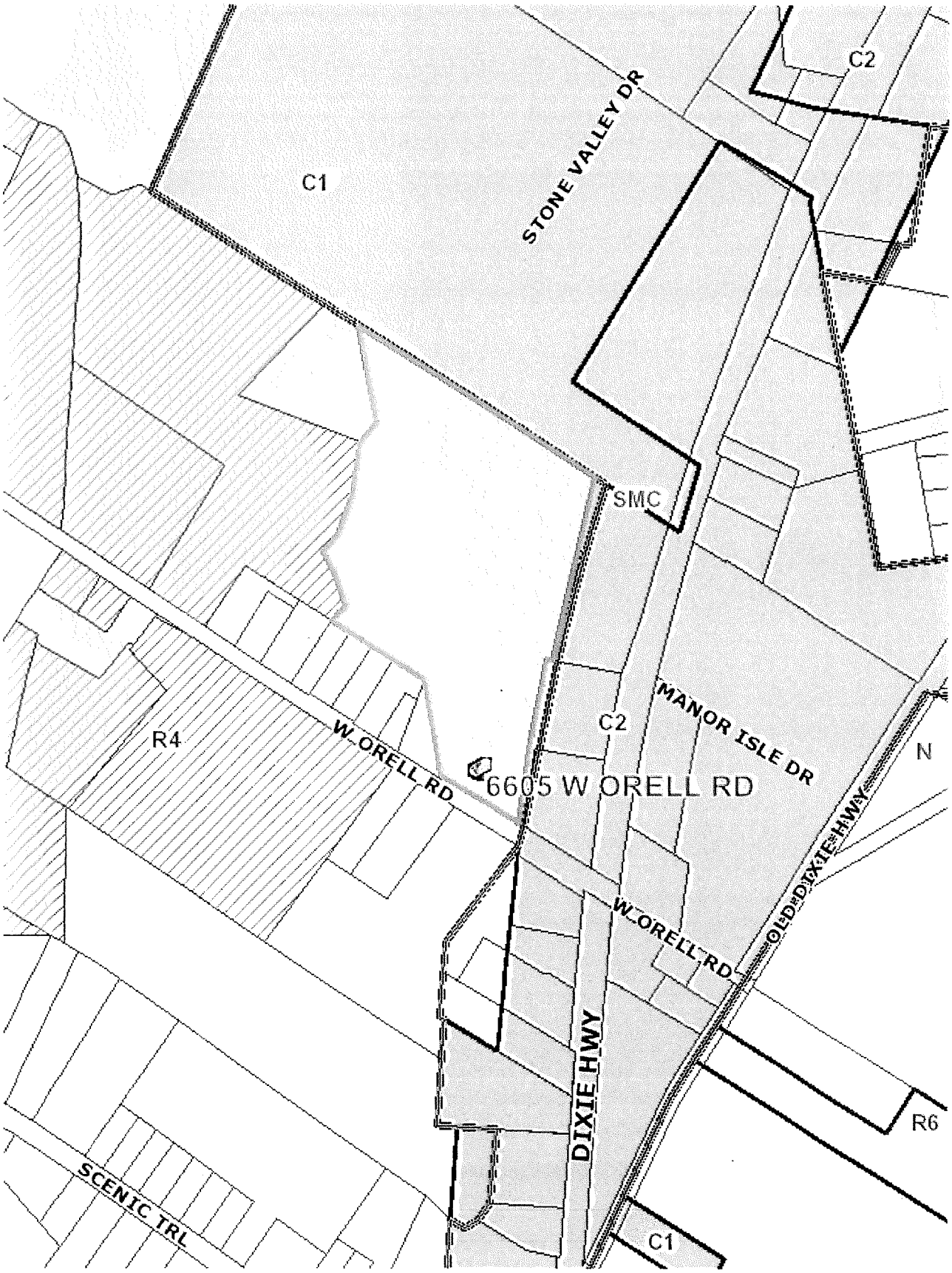
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC / BOZA	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

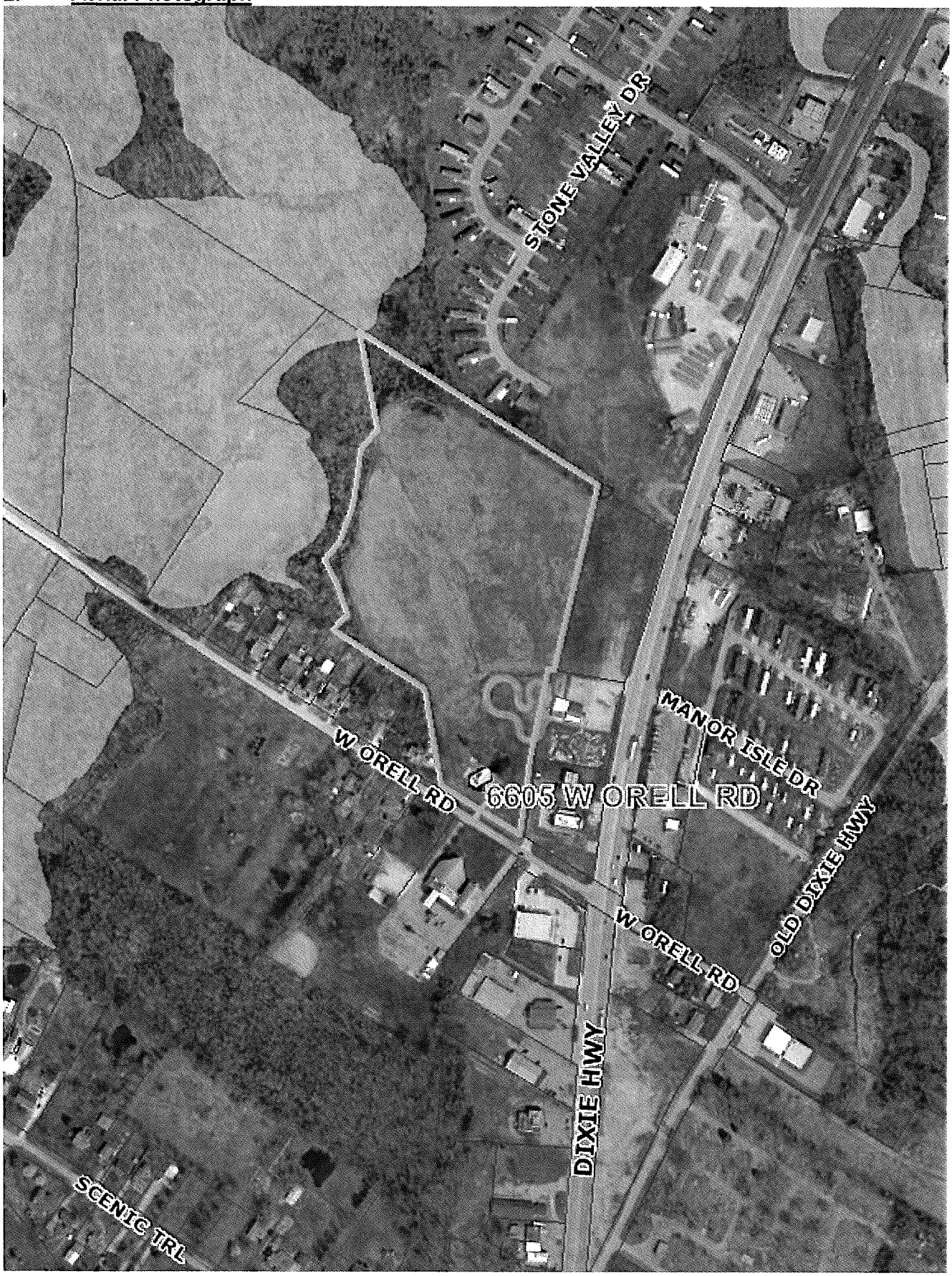
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. **Zoning Map**


C1
STONE VALLEY DR
C2
SMC
C2
MANOR ISLE DR
R4
W ORELL RD
6605 W ORELL RD
N
W ORELL RD
OLD DIXIE HWY
DIXIE HWY
R6
SCENIC TRL
C1

2. Aerial Photograph



3. **Cornerstone 2020 Staff Checklist**

+ Exceeds Guideline
✓ Meets Guideline
- Does Not Meet Guideline
+/- More Information Needed
NA Not Applicable

Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	-	This proposal is not a mixed use center and is out of scale with the surrounding neighborhood.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	-	The proposal is located on a collector level road and it does not meet the requirements for buffering from abutting residential uses
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal is not a new center.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not a retail use.
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The site is already cleared and vacant and the proposal will use existing infrastructure, making it as efficient as possible.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	The proposal is not a new center.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposed development is single use.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not located in a center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	-	The proposal has a single access point from a collector level roadway and does not have cross access to surrounding uses, although this would be inappropriate considering the types of uses surrounding it.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	+/-	The proposal is locate near commercial developments with existing utilities but utility plans are unknown at this time.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	-	A public sidewalk is proposed but there are no pedestrian connections throughout site. Bicycle parking is proposed.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Building materials are unknown at this time. Applicant will be required to submit elevations.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	-	This proposal is a non-residential expansion into a residential area and has not provided the required setbacks for mitigation.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	-	As the required loading setback is not provided, mitigation of emissions from trucks will not be provided.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	More information is needed on the amount of traffic generated from this use.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	+/-	A note has been provided that states lighting will not affect drivers, but this needs to be reworded to include neighboring properties and compliance with the LDC.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located just west of Dixie Highway, a major transit corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	-	While it appears all landscape requirements will be met, the appropriate setbacks are not provided that would give appropriate transitions to abutting residential development.
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	-	While it appears all landscape requirements will be met, the appropriate setbacks are not provided that would give appropriate transitions to abutting residential development.
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	-	Setback requirements are not being met.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	-	Setback requirements are not being met. The applicant needs to provide mitigation for the residential properties adjacent to loading in order to justify the encroachment into the setback.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	All landscape buffer areas are included in the proposal.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	There is no parking garage included in this proposal.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	+/-	There is not information provided on signage, but binding elements will be included to address signage compliance.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	There is no open space requirement with this proposal.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	There is no open space requirement with this proposal.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	-	LOJIC identified hydric soils on the site. Conversely, this site is already cleared of vegetation and the proposal meets all landscaping and tree canopy requirements.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	-	LOJIC identified hydric soils on the site.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There does not appear to be any historical resources on site.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	-	LOJIC has identified hydric soils on site.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located downtown.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	-	This is an industrial proposal in a non-industrial area.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	This is not a retail development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	This proposal anticipates 100 employees and is located near an major arterial.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	+/-	Transportation is review the proposal and will determine if this development constitutes roadway improvements.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	-	There are no pedestrian connections to public walk and throughout site proposed.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal is using an existing roadway and access is acceptable.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	+/-	Transportation will determine if dedication of right-of-way is required.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal meets parking requirements.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	-	There is no joint or cross access, although this would be inappropriate for this and surrounding developments.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	There are no new roadways proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access is from the existing collector roadway, which intersected with a major arterial just to the east.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal is using the existing roadway network.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	There are no pedestrian connections to public walk and throughout site proposed, although there is a transit stop at the intersection of W, Orell Rd and Dixie Hwy.
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	MSD is currently reviewing the proposal for compliance.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	+/-	APCD is currently reviewing the proposal for compliance.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	This site has been cleared
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	As this site is currently cleared of most vegetation, the addition of landscape buffers will contribute to the natural areas to the west.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	There are existing water utilities and a fire hydrant at the corner of W Orell Rd and Dixie Hwy

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal will hook up to existing sewage lines.